

**Minutes**  
**Air Pollution Control Board**  
Indiana Government Center South  
Conference Room A  
402 West Washington Street  
Indianapolis, Indiana

**January 4, 2004**  
1:00 p.m.

1. Mr. John Walker, Chairman, called the meeting to order.  
He noted that a quorum was present.

**CALL TO ORDER**  
**QUORUM**

2. Chairman Walker introduced the board members.

**INTRODUCTION OF**  
**MEMBERS**

Present: Mr. John Walker, Chairman  
Mr. Thomas Anderson  
Mr. John Bacone, Proxy, Department of Natural Resources  
Mr. David Benshoof  
Mr. Howard Cundiff, Proxy, State Department of Health  
Ms. Pamela Fisher, Proxy, Lt. Governor  
Mr. Chris Horn  
Mr. Randy Staley  
Dr. Phil Stevens

Also present were Mr. Timothy Method, Deputy Commissioner, Ms. Janet McCabe, Assistant Commissioner, and Ms. Kathy Watson, Air Programs Branch Chief. Others present are recorded on a separate sheet and made a part of this record. A court reporter was present and a transcript is available for review.

3. Ms. McCabe stated that U.S. EPA forwarded their recommendations concerning which Indiana counties should be designated non-attainment under the new 8-hour standard. The U.S. EPA has agreed with Indiana's recommendations for most of the counties. They disagreed with our recommendations on five counties, Huntington, Dearborn, Greene, Jackson and Vanderburgh. Under EPA's proposal there will be 67 counties designated as attainment or classifiable and 25 counties as non-attainment.

**REPORTS**

Ms. McCabe gave an overview of EPA's two new proposed rules, one of which addresses mercury pollution and the other fine particle pollution and ozone.

Ms. Watson reported on current and upcoming rulemakings. Ms. Watson gave a power-point presentation on the PM2.5 standard designation process. She stated that IDEM would be

submitting recommendations to U.S. EPA for designating non-attainment areas for Indiana by February 15, 2004.

4. Chairman Walker introduced Exhibit 1, the draft rule, into the record of the hearing.

Ms. Stacey Pfeffer, Permits Branch, informed the board members that the rule concerns revisions to the attainment and non-attainment major New Source Review permitting programs to incorporate the December 31, 2002, Federal New Source Review Reform rules. In order to provide the necessary implementation mechanisms for the new program elements, IDEM also included draft rule amendments for the minor NSR and Title V Permit programs. This rulemaking adds four new elements to the major NSR Permitting program: new applicability tests; a new clean unit designation; a new actual plant-wide applicability limitation commonly referred to as "PAL"; and the pollution control project exclusion. Ms. Pfeffer asked the board to adopt the job rules as presented to the board meeting.

Mr. Andy Knott, Hoosier Environmental Council, representing five citizen groups, (Hoosier Environmental Council, Citizens Action Coalition, Save the Dunes Council, Save the Valley, and Valley Watch) commented on the rulemaking citing three provisions of the Clean Air Act which prohibits backsliding. Mr. Knott opposed the "projected actual emissions applicability test" and stated he believed that the actual potential test was more protective of air quality.

Mr. Vince Griffin, Indiana Chamber of Commerce, thanked IDEM for its efforts and expressed support of the rulemaking.

Ms. Ann McGiver, Citizens Thermal Energy, voiced support of the rulemaking.

Mr. Bernie Paul, Eli Lilly, offered support of the rulemaking.

Ms. Ann Slaughter-Andrews, on behalf of ALCOA Operations, submitted a statement requesting a change of definitions regarding "regulated NSR pollutant" to exclude "fluorides".

Mr. Benshoof moved to preliminarily adopt the rules as presented to the board, 326 IAC 2-2.2; 326 IAC 2-2.3; 326 IAC 2-2.4; 326 IAC 2-2.6; 326 IAC 2-3.2; 326 IAC 2-3.3; 326 IAC 2-3.4; and amendments to rules 326 IAC 2-1.1-7; 326 IAC 2-2-1; 326 IAC 2-2-2; 326 IAC 2-2-3; 326 IAC 2-2-4; 326 IAC 2-2-5; 326 IAC 2-2-6; 326 IAC 2-2-7; 326 IAC 2-2-8; 326 IAC 2-2-10; 326 IAC 2-3-1; 326 IAC 2-3-2; 326 IAC 2-3-3; 326 IAC 2-5.1-4; 326 IAC 2-7-10.5; 326 IAC 2-

**PUBLIC HEARING  
FOR  
PRELIMINARY  
ADOPTION OF  
RULES 326 IAC 2-  
2.2; 326 IAC 2-2.3;  
326 IAC 2-2.4; 326  
IAC 2-2.6; 326 IAC 2-  
3.2; 326 IAC 2-3.3;  
326 IAC 2-3.4;  
AND AMENDMENTS  
TO RULES 326 IAC  
2-1.1-7; 326 IAC 2-2-  
1; 326 IAC 2-2-2; 326  
IAC 2-2-3; 326 IAC 2-  
2-4; 326 IAC 2-2-5;  
326 IAC 2-2-6; 326  
IAC 2-2-7; 326 IAC 2-  
2-8; 326 IAC 2-2-10;  
326 IAC 2-3-1; 326  
IAC 2-3-2; 326 IAC 2-  
3-3; 326 IAC 2-5.1-4;  
326 IAC 2-7-10.5; 326  
IAC 2-7-11; and 326  
IAC 2-7-12  
concerning New  
Source Review  
Reform and repeal of  
326 IAC 2-2.5**

7-11 and repeal of 326 IAC 2-2.5. Mr. Cundiff seconded. The motion passed. Mr. Anderson abstained from voting.

5. Chairman Walker introduced Exhibit 2, the draft rule, into the record of the hearing.

Ms. Gayl Killough, rulewriter, stated that the rulemaking adds national emission standards for hazardous air pollutants (NESHAPs) for new and existing plant sites for seven categories of sources. IDEM must incorporate the federal requirements into state rules or establish state requirements that are no less stringent than the federal requirements. Ms. Killough asked the board to preliminarily adopt the rules as presented.

Mr. Anderson moved to preliminarily adopt rules 326 IAC 20-57, 326 IAC 20-58, 326 IAC 20-59, 326 IAC 20-60, 326 IAC 20-61, 326 IAC 20-62, 326 IAC 20-70 as presented. Mr. Horn seconded. The motion passed unanimously.

**PUBLIC HEARING  
FOR PRELIMINARY  
ADOPTION OF  
RULES 326 IAC 20-57,  
326 IAC 20-58, 326 IAC  
20-59, 326 IAC  
20-60, 326 IAC 20-61,  
326 IAC 20-62, 326  
IAC 20-70 concerning  
incorporation by  
reference of national  
emission standards for  
hazardous air pollutants  
for pharmaceuticals  
production; amino and  
phenolic resins;  
polyether polyols  
production, solvent  
extraction for  
vegetable oil  
production;  
semiconductor  
manufacturing;  
refractory products  
manufacturing; and  
secondary aluminum**

6. Chairman Walker stated that no public hearing is required prior to adoption of emergency rules. Chairman Walker introduced Exhibit 3, the draft emergency rule, to the board.

Ms. Nancy King, IDEM's Office of Legal Counsel, stated that several years ago the board readopted certain rules subject to the sunset statute while putting other rules in a bin for action at a later date. In December, 2003, the board preliminarily readopted 326 IAC 2-10 which is subject to the sunset statute. After preliminary adoption, the Legislative Services Agency informed IDEM that sections 2 through 6 within the preliminarily adopted rule had expired on January 1, 2003. Ms. King state that under Indiana Code Title 4, IDEM is allowed to do emergency rulemakings. The emergency rule covers sections 2 through 6 of the rule that had expired so that in addition to the program existing, the provisions implementing the rule also exist. This emergency rule becomes effective upon filing with the Secretary of State and will remain in effect for 90 days.

**EMERGENCY RULE  
concerning Permit by  
Rule 326 IAC 2-10  
Under IC 4-22-2-27.1**

Additionally, a Section 7 Notice to adopt 326 IAC 2-10 was published in the January 1, 2004 Indiana Register. The draft rule included draft language, including the expired rule provisions.

Mr. Staley moved to adopt emergency rule 326 IAC 2-10 and 326 IAC 2-11, Under IC 4-22-2-27.1 . Mr. Anderson seconded. The motion passed unanimously.

7. The next meeting was tentatively scheduled for Wednesday, March 3, 2004, at 1:00 p.m, Indiana Government Center South, Indianapolis, Indiana in Conference Room A.

#### **NEXT MEETING**

8. Mr. Benshoof moved to adjourn the meeting. Mr. Anderson seconded. The vote was unanimous. Chairman Walker adjourned the meeting at 2:28 p.m.

#### **ADJOURNMENT**

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John Walker, Chairman

*These minutes were taken from the January 7, 2004, transcript, and were written on February 10, 2004, by Karol T. Chuma, Office of Air Quality.*